

(i) Total reimbursement received and receivable for services furnished CHAMPUS beneficiaries during the cap period, including physician's services not of an administrative or general supervisory nature.

(ii) Total reimbursement received and receivable for general inpatient care and inpatient respite care furnished to CHAMPUS beneficiaries during the cap period.

(iii) Total number of inpatient days furnished to CHAMPUS hospice patients (both general inpatient and inpatient respite days) during the cap period.

(iv) Total number of CHAMPUS hospice days (both inpatient and home care) during the cap period.

(v) Total number of beneficiaries electing hospice care. The following rules must be adhered to by the hospice in determining the number of CHAMPUS beneficiaries who have elected hospice care during the period:

(A) The beneficiary must not have been counted previously in either another hospice's cap or another reporting year.

(B) The beneficiary must file an initial election statement during the period beginning September 28 of the previous cap year through September 27 of the current cap year in order to be counted as an electing CHAMPUS beneficiary during the current cap year.

(C) Once a beneficiary has been included in the calculation of a hospice cap amount, he or she may not be included in the cap for that hospice again, even if the number of covered days in a subsequent reporting period exceeds that of the period where the beneficiary was included.

(D) There will be proportional application of the cap amount when a beneficiary elects to receive hospice benefits from two or more different CHAMPUS-certified hospices. A calculation must be made to determine the percentage of the patient's length of stay in each hospice relative to the total length of hospice stay.

(8) *Reconsideration of cap amount and inpatient limit.* A hospice dissatisfied with the contractor's calculation and application of its cap amount and/or inpatient limitation may request and obtain a contractor review if the amount of program reimbursement is in controversy—with respect to matters which the hospice has a right to review—is at least \$1000. The administrative review by the contractor of the calculation and application of the cap amount and inpatient limitation is the only administrative review available. These calculations are not subject to the appeal procedures set

forth in § 199.10. The methods and standards for calculation of the hospice payment rates established by CHAMPUS, as well as questions as to the validity of the applicable law, regulations or CHAMPUS decisions, are not subject to administrative review, including the appeal procedures of § 199.10.

(9) *Beneficiary cost-sharing.* There are no deductibles under the CHAMPUS hospice benefit. CHAMPUS pays the full cost of all covered services for the terminal illness, except for small cost-share amounts which *may be* collected by the individual hospice for outpatient drugs and biologicals and inpatient respite care.

(i) The patient is responsible for 5 percent of the cost of outpatient drugs or \$5 toward each prescription, whichever is less. Additionally, the cost of prescription drugs (drugs or biologicals) may not exceed that which a prudent buyer would pay in similar circumstances; that is, a buyer who refuses to pay more than the going price for an item or service and also seeks to economize by minimizing costs.

(ii) For inpatient respite care, the cost-share for each respite care day is equal to 5 percent of the amount CHAMPUS has estimated to be the cost of respite care, after adjusting the national rate for local wage differences.

(iii) The amount of the individual cost-share liability for respite care during a hospice cost-share period may not exceed the Medicare inpatient hospital deductible applicable for the year in which the hospice cost-share period began. The individual hospice cost-share period begins on the first day an election is in effect for the beneficiary and ends with the close of the first period of 14 consecutive days on each of which an election is not in effect for the beneficiary.

* * * * *

Dated: January 25, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-2194 Filed 1-31-95; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 1024-AB10

Everglades National Park Special Regulations; Correction

AGENCY: National Park Service, Interior.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations which were published Tuesday, November 15, 1994. The regulations related to fishing and boating activities within Everglades National Park.

EFFECTIVE DATE: December 15, 1994.

FOR FURTHER INFORMATION CONTACT: Superintendent, Everglades National Park, 40001 State Road 9336, Homestead, FL 33034. Telephone (305) 242-7730.

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1994, the National Park Service (NPS) published in the **Federal Register** (59 FR 58781) a final rule changing the special regulations for Everglades National Park. The final rule completely revises the special regulations for the park. The rule achieves consistency with State fishing rules and allows the park to adopt State fishing regulations. It more closely regulates the activities of commercial guide fishing and redefines "commercial fishing" to include the taking of sponges and other non-edible marine life.

The final rule allows the NPS to take a more proactive role in its mission to protect and conserve natural and cultural resources and gives the Superintendent more specific authority to regulate fishing and boating. It prohibits the use of personal watercraft, closes accessible marine wilderness areas to the use of motorized vessels and allows for better management of wildlife habitat sites. The rule also deletes existing obsolete regulations from the Code of Federal Regulations pertaining to mining and commercial fishing.

Need for Correction

As published, the final rule contains two typographical errors which may prove to be misleading and are in need of correction.

Correction of Publication

Accordingly, the publication on November 15, 1994 (59 FR 58781) of the final regulation, rule document 94-

28071, for Everglades National Park is corrected as follows:

1. In the rule document 94-28071 appearing on page 58784 in the issue of Tuesday, November 15, 1994, in the first column, fifth line "areas of emergency" is corrected to read "areas of emergent".

§ 7.45 [Corrected]

2. In the rule document 94-28071 appearing on page 58785 in the issue of Tuesday, November 15, 1994, in the third column, under § 7.45 Everglades National Park, paragraph (b) *Prohibited conveyances*, line three, "upon those areas of emergency" is corrected to read "upon those areas of emergent".

Dated: January 26, 1995.

Pete Hart,

Acting Chief, Ranger Activities Division.

[FR Doc. 95-2371 Filed 1-31-95; 8:45 am]

BILLING CODE 4310-70-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WV19-1-6210a, WV11-1-5888a; FRL-5139-3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia: Title 45 Legislative Rules, Series 21, Regulation To Prevent and Control Air Pollution From Emission of Volatile Organic Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a state implementation plan (SIP) revision submitted by the State of West Virginia on August 10, 1993. The revision concerns West Virginia title 45 Legislative Rules, Series 21, Regulation to Prevent and Control Air Pollution from Emission of Volatile Organic Compounds, sections 1 to 9, 11, 12, 14 to 19, 21 to 29, 31, 36, 39, 41, 42 to 48, and appendix A, which were adopted May 26, 1993 and effective July 7, 1993. These sections of Series 21 establishes emission standards that represent the application of reasonably available control technology (RACT) to twenty categories of stationary sources of volatile organic compounds (VOCs), and establish associated testing, monitoring, recordkeeping, compliance certification, and permit requirements. This revision was submitted to comply with the RACT "Catch-up" provisions of the Clean Air Act (the Act). There are two intended effects of this action. The first is to approve these sections of Series 21

as a revision to the West Virginia SIP in accordance with the SIP submittal and revision provisions of the Act. And the SIP submittal and revision provisions of the Act. And the second is to simultaneously update the West Virginia SIP by replacing three regulations codified at 40 CFR 52.2520(c)(26) by portions of the revision submitted on August 10, 1993. This action is being taken under section 110 of the Act.

DATES: This final rule is effective April 3, 1995 unless notice is received on or before March 3, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the West Virginia Department of Environmental Protection, Office of Air Quality, 1558 Washington Street, East, Charleston, West Virginia, 25311.

FOR FURTHER INFORMATION CONTACT: Christopher Cripps, (215) 597-0545, at the EPA Regional Office address listed.

SUPPLEMENTARY INFORMATION: On August 10, 1993, the State of West Virginia submitted a formal revision to its SIP. The SIP revision consists of Title 45, Series 21 (45CSR21), "Regulations to Control Air Pollution from the Emission of Volatile Organic Compounds" (Series 21), and four other regulations—45CSR5 "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations", 45CSR12 "Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration", 45CSR19 "Requirements for Pre-construction Review, Determination of Emission Offsets for Proposed New or Modified Stationary Sources of Air Pollutants and Emission Trading for Intrastate Pollutants", and 45CSR29 "Rule Requiring the Submission of Emission Statements for Volatile Organic Compound Emissions and Oxides of Nitrogen Emissions". This

action concerns only sections 1 to 9, 11, 12, 14 to 19, 21 to 29, 31, 36, 39, 41 to 48 and Appendix A to Series 21. The other parts—45CSR5, 45CSR19, 45CSR12, 45CSR29 and sections 10, 13, 20, 30, 32 to 35, 37, 38 and 40 to series 21—of the August 10, 1993 submittal will be subject of separate rulemaking.

I. Background

The Clean Air Act Amendments of 1990 were enacted on November 15, 1990. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. Under the amended Act, EPA and the States were required to review the designation of areas and to redesignate areas as nonattainment for ozone if the air quality data from 1987, 1988, and 1989 indicated that the area was violating the ozone standard. On November 6, 1991, EPA issued those designations (56 FR 56694 and 57 FR 56762, November 30, 1992). The Parkersburg—Marietta (Wood County), Huntington—Ashland (Cabell and Wayne Counties) and Charleston Metropolitan Statistical Area (Kanawha and Putnam Counties) areas, which were designated unclassifiable prior to enactment, were redesignated to nonattainment and classified as moderate. Under the pre-amended Act, these areas were not required to meet the RACT requirement for nonattainment areas. Under the RACT catch-up provision of section 182(b)(2) of the Act, the State was required to submit RACT rules for these areas covering any remaining pre-enactment Control Technique Guideline (CTG) documents and to submit rules for all remaining major sources of VOC emissions.

West Virginia had adopted RACT rules for the following three categories of sources: storage of petroleum liquids in fixed roof tanks, bulk gasoline terminals and petroleum refinery sources. These rules were Series 21, 23 and 24, respectively. EPA approved these as RACT on September 17, 1992 (57 FR 42895). The current Series 21 submitted on August 10, 1993 completely supersedes the previous Series 21 (45CSR21) and Series 23 and 24 (45CSR23 and 45CSR24) which were effective in Wood, Cabell, Wayne, Kanawha and Putnam counties. The RACT requirements contained in the superseded Series 21, 23 and 24 are contained in sections 28, 25 and 22, respectively, in combination with the applicable portions of sections 1 to 9 and 41 to 48 of the current Series 21.

VOCs contribute to the production of ground level ozone and smog. These rules were adopted as part of an effort